

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u><b>February 25, 2015</b></u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u><b>2014-481-WS</b></u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u><b>2015-143</b></u>

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

[DOCKET NO. 2014-481-WS](#) - Ken Bozeman for B-2 Holdings, LLC; Complainant/Petitioner v. Carolina Water Service, Incorporated; Defendant/Respondent – Discuss with the Commission the Defendant's Motion to Dismiss, the Complainant's Response to the Motion to Dismiss and Motion to Amend the Complaint, the Defendant's Motion for Appointment of a Hearing Examiner, or, in the alternative, for Appointment of a Hearing Officer, and the Defendant's Motion to Hold Present Remaining Pre-Filing Deadlines in Abeyance.

**COMMISSION ACTION:**

In the matter of B-2 Holdings, LLC vs. Carolina Water Service, we have pending before us several motions. First, following the filing of the initial complaint and testimony of Mr. Bozeman on behalf of B-2 Holdings, the Respondent Carolina Water Service filed an answer and moved to dismiss. Subsequently, B-2 Holdings moved to amend its complaint. Thereafter, Carolina Water Service moved to appoint a hearing examiner to hear the case, or, in the alternative, a hearing officer, and further requested that all pre-filing dates be held in abeyance. B-2 Holdings has expressed opposition to having a hearing examiner (or officer) hear motions in the case, and has therefore requested that matters in the case be decided by the full Commission. B-2 Holdings also opposed holding the pre-filing deadlines in abeyance.

Rule 15(a) of the South Carolina Rules of Civil Procedure provides that "A party may amend his pleading once as a matter of course at any time before or within 30 days after a responsive pleading is served." The motion to amend was timely filed. However, in its proposed amendment, B-2 Holdings seeks to have the Commission change the method by which Carolina Water calculates its rates and charges by substituting a volumetric rate for the rates and charges approved in the last rate proceeding for the utility. B-2 further seeks to have the volumetric rate applied retroactively, and asks that the Commission order a refund of any collections in excess of the charges based upon the volumetric rate. Importantly, B-2 Holdings raised the same issues presented herein in Docket No. 2013-71-WS. On September 17, 2014, we issued Order No. 2014-765, granting Carolina Water's motion to dismiss and holding that B-2's complaints with regard to CWS's rate methodology was more suited to a rate case proceeding. In fact, in its return to CWS's motion to dismiss Mr. Bozeman's 2013 case, B-2 stated: "Since this complaint involves the recalculation of a rate structure, the complaint could be continued and/or refiled as a motion to intervene in Carolina Water Service's next rate case." Therefore, in Order No. 2014-765, we invited B-2 to appear as an intervenor at the next rate case. Because we continue to believe that B-2's concerns are best addressed in a full rate proceeding, I move that we exercise our discretion and decline to address them in the present docket. I also move that we grant CWS's motion to dismiss the complaint, and reiterate that B-2 is free to intervene in the next rate proceeding. I would also note that CWS has agreed to accept payment of an undercharged amount from the complainant over a six-month period as requested by the complainant. I believe that this plan is appropriate under the provisions of Commission Regulation 103-533 (2) (c), and I move that we approve this proposal. The adoption of my proposed motions by this Commission would render all other pending motions and requests in this case moot, and would also have the effect of cancelling the hearing set for March 25, 2015.

PRESIDING: Hall

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding

